

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Joseph R. Manning, Jr SBN #223381 Michael J Manning SBN 286879 MANNING LAW APC 4667 MacArthur Blvd, Ste 150 Newport Beach, CA 92660 TELEPHONE NO. 949-200-8755 FAX NO. (Optional) 866-843-8308 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiff James Rutherford an individual	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Riverside STREET ADDRESS: 3470 12th Street MAILING ADDRESS: same CITY AND ZIP CODE: Riverside CA 92501 BRANCH NAME: Eastern Division	
PLAINTIFF/PETITIONER: James Rutherford, an individual DEFENDANT/RESPONDENT: Tacos La Bufadora a business of unknown form et al	CASE NUMBER: 5:18 cv 01848 - PDP-SHK
PROOF OF SERVICE OF SUMMONS	Ref. No or File No

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☒ summons
 - b. ☒ complaint
 - c. ☐ Alternative Dispute Resolution (ADR) package
 - d. ☒ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☒ other (specify documents): Certification and Notice of Interested Parties, Notice of Inspection, Notice to Parties of Court Directed ADR Program Notice of Assignment, Order Returning Case for Reassignment Notice of Inspection
3. a. Party served (specify name of party as shown on documents served):
 Talat Radwan trustee of the J.N.J. Trust Dated September 1, 1996 and Amended September 5, 2005
 - b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
 Theresa Doe - Employee of Tacos La Bufadora - authorized to accept (Hispanic female 35 yrs old black hair black eyes 5'6" 145 lbs)
4. Address where the party was served:
 2560 N Perris Blvd Perris, CA 92571
5. I served the party (check proper box)
 - a. ☐ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): (2) at (time):
 - b. ☒ by substituted service. On (date): 9/25/2018 at (time): 7:32 AM I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 Theresa Doe - Employee of Tacos La Bufadora - authorized to accept (Hispanic female 35 yrs old black hair black eyes 5'6" 145 lbs)
 - (1) ☒ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☒ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): 9-26-18 from (city): Anaheim CA or ☐ a declaration of mailing is attached.
 - (5) ☒ I attach a declaration of diligence stating actions taken first to attempt personal service.

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5. c. ☐ by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (Attach completed *Notice and Acknowledgment of Receipt*.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ by other means (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:
- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☒ On behalf of (specify): Talat Radwan trustee of the J.N.J. Trust Dated September 1, 1996 and Amended September 5, 2005 under the following Code of Civil Procedure section:
- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: Johnny Cash
- b. Address: 2390 E Orangewood Ave #530, Anaheim, CA 92806
- c. Telephone number: 949-305-9108
- d. The fee for service was: \$ 35
- e. I am:
- (1) ☐ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☒ a registered California process server:
- (i) ☐ owner ☐ employee ☒ independent contractor.
- (ii) Registration No.: 1417
- (iii) County: Riverside

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

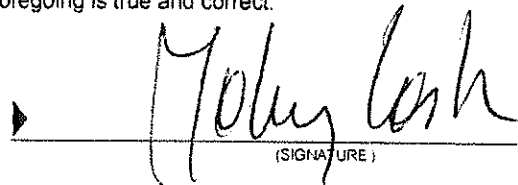
or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: 9/27/2018

Johnny Cash

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)



(SIGNATURE)

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA

EASTERN DIVISION

James Rutherford , an individual

PLAINTIFF(S)

vs

CASE NUMBER

5:18 CV 01848

Tacos La Bufadora a business of unknown form et al DECLARATION OF DUE DILIGENCE

DEFENDANT(S)

I served Summons, Complaint, Civil Case Cover Sheet Certification and Notice of Interested Parties, Notice of Assignment, Notice to Parties of Court Directed ADR Program, Order Returning Case for Reassignment Notice of Inspection

SUBSTITUTE SERVICE PURSUANT TO C.C.P. 415.20 (a) (b) Talat Radwan trustee of the J,N,J Trust Dated September 1, 1996 and Amended September 5 ,2005

By leaving with a person at least 18 years of age: Theresa Doe - Employee of Taco La Bufadora -authorized to accept (Hispanic female 35 yrs old black hair black eyes 5 6' 145 lbs)

Date: 9/25/2018

Time: 7:32 AM

- 1- Address and City where served: 2560 N Perris Blvd Perris, CA 92571
- 2- Address and City also attempted : 26371 Avery Pkwy #B Mission Viejo CA 92692

On 9/26/2018 mailed a copy from Anaheim CA to the above address by first class mail postage fully prepaid. The substitute service was made only after making the following attempts to serve the defendant(s) personally.

CERTIFICATE OF REASONABLE DILIGENCE

ON THE FOLLOWING DATE AND TIMES, I FIRST ATTEMPTED TO MAKE A PERSONAL SERVICE BUT WAS UNABLE FOR THE REASONS AS SHOWS:

6

9/12/2018 9:15 AM No answer/ Business closed (Mission Voiejo address)

9/18/2018 4:35 PM No answer/ Business closed (Mission Viejo address)

9/25/2018 7:32 AM Documents left with Theresa Doe - Employee of Taco La Bufadora -authorized to accept (Hispanic female 35 yrs old black hair black eyes 5 6' 145 lbs)

Executed on 9/27/2018 at ANAHEIM, CA

SIGNATURE

Johnny Cash / R.T.O.T. Inc.
PSC# 1417 / RiversideCOUNTY
2390 E ORANGEWOOD AVE #530. ANAHEIM, CA 92806
(949) 305-9108